

Exhibit 10

**Redacted Version of
Document Sought to
be Sealed**

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** C O N F I D E N T I A L **

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Case No. 5:20-cv-5146-LHK

-----x
PATRICK CALHOUN, ELAINE CRESPO,
HADIYAH JACKSON and CLAUDIA
KINDLER, on behalf of all
others similarly situated,
Plaintiffs,

- against -

GOOGLE LLC,
Defendant.
-----x

(Caption Continued)

November 24, 2021

9:06 a.m.

VOLUME II

Continued Videotaped Deposition of
ABDELKARIM MARDINI, taken by Plaintiffs,
pursuant to Notice, held via Zoom
videoconference, before Todd DeSimone, a
Registered Professional Reporter and Notary
Public of the States of New York and New
Jersey.

Page 240

CONFIDENTIAL

<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 Case No. 5:20-cv-03664-LHK 5 -----x 6 CHASOM BROWN, WILLIAM BYATT, 7 JEREMY DAVIS, CHRISTOPHER 8 CASTILLO and MONIQUE TRUJILLO, 9 individually and on behalf of all 10 others similarly situated, 11 12 Plaintiffs, 13 14 - against - 15 16 GOOGLE LLC, 17 18 Defendant. 19 -----x 20 21 22 23 24 25</p>	<p>1 A P P E A R A N C E S: (Continued) 2 BOIES SCHILLER FLEXNER LLP 3 44 Montgomery Street 4 41st Floor 5 San Francisco, California 94104 6 Attorneys for Plaintiffs in 7 Brown Case 8 BY: BEKO O. REBLITZ-RICHARDSON, ESQ. 9 brichardson@bsflp.com 10 ERIKA NYBORG-BURCH, ESQ. 11 enyborg-burch@bsflp.com 12 13 14 15 16 QUINN EMANUEL URQUHART & SULLIVAN LLP 17 191 North Wacker Drive 18 Suite 2700 19 Chicago, Illinois 60606 20 Attorneys for Defendant 21 BY: ANDREW H. SCHAPIRO, ESQ. 22 andrewschapiro@quinnemanuel.com 23 TEUTA FANI, ESQ. 24 teutafani@quinnemanuel.com 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>
<p>1 APPEARANCES: 2 BLEICHMAR FONTI & AULD LLP 3 555 12th Street 4 Suite 1600 5 Oakland, California 94607 6 Attorneys for Plaintiffs 7 in Calhoun case 8 BY: LESLEY E WEAVER, ESQ 9 lweaver@bfulaw.com 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 THE VIDEOGRAPHER: Good morning 2 We are going on the record at 9:06 a.m. 3 eastern standard time on Wednesday, 4 November 24th, 2021. Please silence your 5 cell phones, computer tone or any other 6 electronic devices you have near you. 7 Audio and video recording will continue to 8 take place unless all parties agree to go 9 off the record. 10 This is media unit number one 11 of the video-recorded deposition of 12 AbdelKarim Mardini, Volume II. The caption 13 of this case is Patrick Calhoun, et al., 14 versus Google LLC. This case is filed in 15 the United States District Court, Northern 16 District of California, San Jose Division, 17 case number 5:20-CV-5146. Second caption, 18 Chasom Brown, et al., versus Google LLC. 19 This case is also filed in the United 20 States District Court, Northern District of 21 California, San Jose Division, case number 22 5:20-CV-03664. This is also Volume II of 23 Mr. Mardini's testimony. 24 My name is Marc Friedman, I'm 25 your certified video legal specialist, your</p>

Page 241

Page 243

Page 242

Page 244

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<p>1 estimate of the impact of [REDACTED] 2 A. I believe that Mr. Liao was the 3 Ads person who was conducting the analysis 4 or was leading maybe the analysis on the 5 Ads side. 6 Q. And did you have any role in 7 the preparation of Exhibit 49? 8 A. No. 9 Q. If you look at the page ending 10 210 in the middle, do you see where it says 11 "Chrome key metrics," and then it says 12 "POCs: rorymcclelland, mjev, mardini, feuunk 13 and dullweber"? 14 A. Yes. 15 Q. Is that a reference to you, 16 Mr. Mardini? 17 MR. SCHAPIRO: Objection to the 18 form of the question. 19 A. Yeah, this Mardini here is a 20 reference to me. 21 Q. And what does POC stand for, if 22 you know? 23 A. Point of contact. 24 Q. If you know, who is MJV? 25 A. MJV is a product manager on the</p> <p style="text-align: right;">Page 409</p>	<p>1 A. I don't know what prorated 2 means in this context. 3 Q. And annualized, do you know 4 what annualized refers to in this context? 5 A. Typically annualized means 6 yearly, per year. 7 Q. Do you have an understanding of 8 what the difference between the post-COVID 9 and pre-COVID metrics are in this table? 10 A. I cannot confirm exactly what 11 this means, the post-COVID or pre-COVID. I 12 don't remember seeing or -- I don't 13 remember this stopping me to think about 14 it. 15 No, I mean, I know what was in 16 the e-mail. Post-COVID and pre-COVID is 17 not something I spent a lot of time 18 thinking about or discussing with anyone. 19 Q. If you go back to what was 20 marked as Exhibit 48, Mr. McClelland 21 referenced an impact on revenue to be 22 around [REDACTED] per year. 23 You see that, right? 24 A. Yes. 25 Q. And that was -- that was impact</p> <p style="text-align: right;">Page 411</p>
<p>1 Chrome privacy sandbox team. His name is 2 Marshall, M-a-r-s-h-a-l-l, Vale, V-a-l-e. 3 Q. And if you look at the bottom 4 it says "Ads revenue key numbers," and the 5 POC is jongreenberg. Do you see that? 6 A. Yes, Jon Greenberg, yeah. 7 Q. Do you have any understanding 8 as to who Jon Greenberg is? 9 A. No, I don't recall seeing this 10 user name before. 11 Q. So if you look on the page 12 ending 209, there is a table that says 13 [REDACTED] Impact M83. Do you see that? 14 A. Yes. 15 Q. And is it your understanding 16 that this table reflects the financial 17 impact of [REDACTED] on Google search ads, 18 YouTube ads, and display ads? 19 A. Yes. 20 Q. And then do you see there is a 21 prorated and annualized, there is two 22 separate columns? 23 A. Yes. 24 Q. What do you understand prorated 25 to mean there?</p> <p style="text-align: right;">Page 410</p>	<p>1 on Google revenue, correct? 2 A. Yes, on Ads revenue. 3 Q. And if you look at what's 4 marked as Exhibit 49, the calculations here 5 are post-COVID annualized [REDACTED], and 6 pre-COVID annualized [REDACTED]. Do you 7 see that? 8 A. Yes. 9 Q. Can you explain the difference 10 between the [REDACTED] per 11 year referenced in Mr. McClelland's e-mail 12 and the [REDACTED] calculation 13 included in Exhibit 49? 14 A. I believe, if I'm reading the 15 table correctly with you here, that the 16 number in Mr. McClelland's e-mail refers to 17 search ads and the numbers in the table 18 here add up the search ads, the YouTube 19 ads, and the display ads. 20 Q. So it's your understanding that 21 Mr. McClelland was only reporting the 22 impact on search ads, but this table 23 includes the impact on Google's revenues 24 for not just search ads, but also YouTube 25 ads and display ads; is that correct?</p> <p style="text-align: right;">Page 412</p>


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<p>1 A. That is my understanding at 2 this time, yes. But I have to confirm it 3 with the author of that table. 4 Q. Right. And these were 5 reductions in revenue based on blocking 6 third-party cookies by default in incognito 7 with [REDACTED] correct? 8 MR. SCHAPIRO: Objection to the 9 form of the question, foundation, assumes 10 facts not in evidence. 11 A. That seems to be the case. 12 Q. And if you go back to the page 13 ending 210, where your name appears under 14 Chrome Key Metrics, there is a Chrome 15 overall traffic share per Google property, 16 and then the second box is Chrome incognito 17 mode traffic out of all Chrome traffic. Do 18 you see that? 19 A. Uh-huh. 20 Q. Do you have an understanding as 21 to what that row represents, Chrome 22 incognito mode traffic out of all Chrome 23 traffic? 24 A. Yes. 25 Q. What do you understand that to</p> <p style="text-align: right;">Page 413</p>	<p>1 don't know. But I can tell you that in 2 Chrome, this is what we measure, the 3 percentage of users who clicked on open new 4 incognito window. 5 Q. Were you the one who prepared 6 the calculations included in that row, 7 Chrome incognito mode traffic out of all 8 Chrome traffic? 9 A. No, I was not the person 10 involved in making that calculation, 11 specific calculation. I'm not sure what 12 the numbers also mean next to it. 13 Q. Do you know who was involved in 14 preparing that calculation? 15 A. Probably a Chrome data analyst, 16 Mr. Dullweber. 17 Q. Is this Exhibit 49 consistent 18 with your recollection regarding 19 [REDACTED] that the annualized impact on 20 Google's revenue from [REDACTED] was 21 estimated as [REDACTED] 22 per year? 23 A. That's what the document says, 24 yes. I don't recall the exact numbers. 25 Like I did not memorize the numbers, but</p> <p style="text-align: right;">Page 415</p>
<p>1 represent? 2 A. That represents from all the 3 usage of Chrome, I think time spent in 4 Chrome, or page loaded in Chrome, I don't 5 know which exactly, how much percent of it 6 is in regular mode and how much percent of 7 it is in incognito mode. 8 Q. So was this an attempt by 9 Google to assess the portion of the Chrome 10 traffic that represented incognito mode 11 traffic? 12 MR. SCHAPIRO: Objection to the 13 form of the question. 14 A. I mean, as I mentioned, we know 15 when a user starts an incognito session, we 16 don't know what happens in the incognito 17 session on the Chrome side, and then we 18 know when the incognito session ended, and 19 then this data, as I said, is aggregated 20 and anonymized to give an overall picture 21 of the usage of incognito mode. 22 The term "traffic" here is 23 ambiguous in my opinion, because I don't 24 know what exactly it means here. Traffic, 25 like is it number of kilobytes or what? I</p> <p style="text-align: right;">Page 414</p>	<p>1 that's what the document says. 2 Q. Let's look at what has been 3 marked as Exhibit 50. 4 A. Exhibit 50. 5 Q. Which is GOOG-BRWN-00439740. 6 A. Yes, I have it in front of me. 7 Q. And, Mr. Mardini, this is an 8 e-mail exchange that starts with 9 Mr. McClelland's e-mail at the back and 10 ends with an e-mail from you on the first 11 page. I only have questions about your 12 e-mail on the first page, but you're 13 welcome to review the document. 14 A. Okay. Could you give me a 15 moment to review the initial thread? It 16 Because I don't think I remember that. It 17 is quite a long thread it seems. 18 (Witness perusing document.) 19 A. Okay, thank you. 20 Q. Mr. Mardini, is Exhibit 50 an 21 e-mail that you sent as part of your work 22 with Google? 23 A. Yes, this appears to be the 24 case. 25 Q. Do you see where you wrote</p> <p style="text-align: right;">Page 416</p>

CONFIDENTIAL

<p>1 "Here is a chronological recap," and then 2 you include a series of dates and comments? 3 A. Yes. 4 Q. What were you trying to convey 5 there with that chronological recap? 6 MR. SCHAPIRO: Objection to the 7 form of the question. 8 A. What I was trying to convey 9 when I sent this e-mail is the full history 10 of engagement with the Ads team related to 11 the [REDACTED] project. This e-mail is 12 sent on May 5th, 2020, and you can see I 13 was trying to say okay, here is what we 14 have been discussing with them to refresh 15 Matt and Parisa's memory. 16 Matt was not on the team in 17 August/September 2019, and I think Matt had 18 just joined at that time, around that time, 19 like in May 2020, so it is more, literally 20 what I said, like a recap so that we are 21 all on the same page and so that they know 22 the history of the engagements. 23 Q. Thank you. And the first part 24 of your recap says "August to September 25 2019: We shared the plan to launch</p> <p style="text-align: right;">Page 417</p>	<p>1 M83 was probably the full 2 launch to 100 percent. But in the period 3 between like January 2020 and May 2020, I 4 think there were multiple experiments and 5 measurements. 6 Q. That's very helpful. Would you 7 also look at what has been marked as 8 Exhibit 51, which is GOOG-BRWN-00230425. 9 A. Yes. 10 Q. And that's an e-mail from you 11 that you sent as part of your work for 12 Google, correct? 13 A. Yes. 14 Q. And that was an e-mail you sent 15 on July 15th, 2020; is that right? 16 A. Yes. 17 Q. And you start "I would like to 18 give you an update on how our User Agency 19 moment for Chrome M83 has landed." 20 Do you see that? 21 A. Yes. 22 Q. And that list there includes 23 [REDACTED] on Desktop and Android? 24 A. Yes. 25 Q. Does that refresh your</p> <p style="text-align: right;">Page 419</p>
<p>1 [REDACTED] in M79." 2 Do you see that? 3 A. Yes. 4 Q. Did [REDACTED] launch in M79? 5 MR. SCHAPIRO: Objection, 6 foundation, vague. 7 A. I don't remember whether we 8 launched a small experiment in M79 or not, 9 but at the time, like in August and 10 September 2019, we probably had a plan to 11 launch it in M79, and this is the plan 12 referenced here. Whether it launched in 13 M79 or not, I do not recall whether we did 14 that. 15 Q. It launched in M83, correct, 16 [REDACTED] 17 MR. SCHAPIRO: Objection, 18 foundation, vague. 19 A. No. I mean, I'm reading the 20 chronology with you right now as we are 21 speaking, because I don't remember now in 22 2021 what happened at the end of 2019, and 23 it seems that we did not launch 1 percent 24 on M79, but then we launched it in the 25 following one, in January 2020.</p> <p style="text-align: right;">Page 418</p>	<p>1 recollection that the full launch of 2 [REDACTED] was part of M83? 3 MR. SCHAPIRO: Objection, 4 misstates the testimony. 5 A. Yes. 6 Q. And would that full launch of 7 [REDACTED] have been on or about July 8 15th, 2020? 9 A. Sorry, could you repeat the 10 question? 11 Q. I'm just trying to understand, 12 your e-mail here is from July 15th, 2020 13 talking about M83, and I'm asking was M83 14 released on or about July 15th, 2020? 15 A. No. 16 Q. Do you know when M83 was 17 launched or released? 18 A. It would have been around the 19 May 2020 time frame. 20 Q. So it's your understanding that 21 M83 was released in or -- in May 2020? 22 A. We can check that online. I 23 think it was around May 2020. 24 Q. Great, thank you. 25 Going back to Exhibit 50 which</p> <p style="text-align: right;">Page 420</p>

CONFIDENTIAL

<p>1 EXHIBITS</p> <p>2 MARDINI DESCRIPTION PAGE</p> <p>3 Exhibit 43 GOOG-BRWN-00051039- 358</p> <p>4 00051048</p> <p>5 Exhibit 44 GOOG-CABR-05269678- 358</p> <p>6 05269708</p> <p>7 Exhibit 45 GOOG-CABR-00413286- 370</p> <p>8 00413289</p> <p>9 Exhibit 46 GOOG-BRWN-00182492- 381</p> <p>10 00182495</p> <p>11 Exhibit 47 GOOG-CABR-00410304- 386</p> <p>12 00410322</p> <p>13 Exhibit 48 GOOG-BRWN-00454633- 403</p> <p>14 00454634</p> <p>15 Exhibit 49 GOOG-CABR-04455208- 403</p> <p>16 04455218</p> <p>17 Exhibit 50 GOOG-BRWN-00439740- 403</p> <p>18 00439745</p> <p>19 Exhibit 51 GOOG-BRWN-00230425- 403</p> <p>20 00230427</p> <p>21 Exhibit 52 GOOG-CABR-04668451 430</p> <p>22 Exhibit 53 GOOG-CABR-04739841- 430</p> <p>23 04739845</p> <p>24 DIRECTIONS NOT TO ANSWER</p> <p>25 Page Line</p> <p>(NONE)</p> <p>REQUESTS</p> <p>Page Line</p> <p>(NONE)</p>	<p>1 ERRATA SHEET</p> <p>2 VERITEXT/NEW YORK REPORTING, LLC</p> <p>3 CASE NAME: CALHOUN v GOOGLE</p> <p>4 DATE OF DEPOSITION: 11/24/21</p> <p>5 WITNESS' NAME: ABDELKARIM MARDINI</p> <p>6 PAGE/LINE(S)/ CHANGE REASON</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 ABDELKARIM MARDINI</p> <p>21 SUBSCRIBED AND SWORN TO</p> <p>22 BEFORE ME THIS DAY</p> <p>23 OF , 2021</p> <p>24 NOTARY PUBLIC</p> <p>25 MY COMMISSION EXPIRES</p>
Page 473	Page 475
<p>1 CERTIFICATION</p> <p>2</p> <p>3 I, TODD DeSIMONE, a Notary Public for</p> <p>4 and within the State of New York, do hereby</p> <p>5 certify:</p> <p>6 That the witness whose testimony as</p> <p>7 herein set forth, was duly sworn by me; and</p> <p>8 that the within transcript is a true record</p> <p>9 of the testimony given by said witness.</p> <p>10 I further certify that I am not related</p> <p>11 to any of the parties to this action by</p> <p>12 blood or marriage, and that I am in no way</p> <p>13 interested in the outcome of this matter.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set</p> <p>15 my hand this 1st day of December, 2021.</p> <p>16</p> <p>17 </p> <p>18 TODD DESIMONE</p> <p>19 * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 BEKO O REBLITZ-RICHARDSON, ESQ</p> <p>2 brichardson@bsflp.com</p> <p>3 DECEMBER 1, 2021</p> <p>4 RE: PATRICK CALHOUN v GOOGLE LLC</p> <p>5 NOVEMBER 24, 2021, ABDELKARIM MARDINI, VOL II, JOB NO 4962196</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 Per CA State Code (CCP 2025 520 (a)-(e)) - Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office</p> <p>12 Per CA State Code (CCP 2025 520 (a)-(e)) - Locked PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure</p> <p>20 Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>21 Counsel - Original transcript to be released for signature</p> <p>22 as determined at the deposition</p> <p>23 Signature Waived - Reading & Signature was waived at the</p> <p>24 time of the deposition</p> <p>25</p>
Page 474	Page 476